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Application No: 10/037,445
Attorney's Docket No: US 010685

REMARKS/ARGUMENTS

Claims 1, 3-6, 8-11, 13-15 and 21-23 are pending in the application. Claims 1, 6 and 11 are independent. Claims 1, 6 and 11 are amended.

In section 3 on page 2, the Office Action objects to claims 1, 6 and 11 for the specified informality. Claims 1, 6 and 11 are amended as suggested by the Office Action. For at least the foregoing reasons, it is respectfully requested that the objection to claims 1, 6 and 11 be withdrawn.

In section 5 on page 3, the Office Action rejects claims 1, 3-6, 8-11, 13-15 and 21-23 under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter under 35 U.S.C. §101. This rejection is respectfully traversed.

Claims 6 and 11 are amended as suggested by the Office Action. It appears to the Applicant that an amendment previously made to claim 1 may have been overlooked. Specifically, claim 1 recites within the body of the claim as well as within the preamble the operational step of producing the list of results.

It is respectfully submitted that all of the pending claims recite statutory subject matter. For at least the foregoing reasons, it is respectfully requested that rejection of claims 1, 3-6, 8-11, 13-15 and 21-23 under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter be withdrawn.

In section 7 on page 3, the Office Action rejects claims 3-5, 8-11 and 13-15 under 35 U.S.C. §112, 2nd paragraph, as allegedly being indefinite for the specified reasons. This rejection is respectfully traversed.

It is respectfully submitted that the amendments to claims 1, 6 and 11 made in response to the objection to claims 1, 6 and 11 in section 3 on page 2 of the Office Action establish the necessary

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antecedent basis for all subsequent recitations of those elements in the claims. Thus, it is respectfully submitted that all pending claims comply with all of the requirements for 35 U.S.C. §112, 2nd paragraph.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 3-5, 8-10 and 13-15 under 35 U.S.C. §112, 2nd paragraph, as allegedly being indefinite be withdrawn.

In sections 9-15 on pages 4-6, the Office Action rejects claims 1, 3-6, 8-11, 13-15 and 21-23 under 35 U.S.C §103(a) as being allegedly being unpatentable over U.S. Patent No. 6,601,067 to Hiyoshi in view of U.S. Patent No. 6,199,064 to Schindler. This rejection is respectfully traversed.

Claim 1 recites a sort controller wherein the sort controller "sorts the information items using a primary sort key and a secondary sort key derived from predetermined user sorting preferences for a current user task context and a content type for the information items" (emphasis add). Claims 6 and 11 have similar recitations. Applicant respectfully submits that Hiyoshi and Schindler, whether singly or in combination, do not disclose this subject matter.

As correctly conceded in section 9 near the top of page 5 of the Office Action, Hiyoshi does not specifically teach "primary and secondary sort keys derived from predetermined user sorting preferences for a current user task context and content type." The Office Action nonetheless alleges a secondary reference Schindler as teaching this subject matter. Specifically, the Office Action points to computer codes listed in col. 7, lines 45-65 and col. 8, lines 39-66, as well as the claim language in col. 11, lines 30-39, with respect to the correctly conceded deficiency in Hiyoshi.

However, the featured computer code teaches transformation and inverse transformation of a source data block, as required by the featured sorting scheme, using secondary sort keys derived from the position of each data value having predetermined length within the source data block. See

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col. 7, lines 26-27; col. 7, lines 32-35; col. 8, lines 24-25; col. 11, lines 30-33. With respect to secondary sort keys, Schindler expressly stated that they must be derived from the position of each data value having a predetermined length within a source data block. See col. 1, lines 47-54. Furthermore, Schindler graphically demonstrates how these secondary sort keys are derived and used in the sorting process. See Index 154 in Fig. 5A and Fig. 5B and col. 4, lines 46-51.

Deriving a secondary sort key from the position of a data value having a predetermined length within a data block, as taught in Schindler, is categorically different from deriving a secondary sort key from predetermined user sorting preferences for a current user task context and a content type for the information items, as recited in claim 1 and similarly recited in claims 6 and 11.

Consequently, Schindler fails to overcome the deficiency conceded in Hiyoshi with respect to the above-quoted subject matter recited in claim 1 and similarly recited in claims 6 and 11. It is therefore respectfully submitted that the Office Action has failed to establish a *prima facie* case of obviousness as required under 35 U.S.C. § 103(a). Accordingly, reconsideration and withdrawal of the rejection of independent claims 1, 6, and 11 is respectfully requested.

Applicant had previously requested that, if the Office believes otherwise, to specifically point out or designate the relevant columns and lines, where Schindler allegedly teaches primary and secondary sort keys derived from predetermined user sorting preferences for a current user task context and content type, as recited in the rejected claims. MPEP 707 and 37 C.F.R. 1.104(c)(2) explicitly state that "the particular part relied on must be designated" and "the pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified."

In section 16 on pages 6-7, the Office Action includes a "response" that allegedly addresses the foregoing arguments. However, the citation to column 11, lines 30-39 of Schindler is merely a

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citation to the claims of Schindler. The recitations in the claims of Schindler need to be supported in the written description of Schindler.

The citation to column 7, lines 45-65 in Schindler, corresponds to an example of using the block size as a variable by which to sort. The deficiency in this disclosure in Schindler was previously discussed. In fact, the citations to Schindler included in the "response" are merely repetitious of the citations to Schindler previously and currently included in the rejection.

In other words, Applicant respectfully submits that the response to arguments was actually not responsive to Applicant's previously submitted arguments.

Claims 3-5, 8-10, 13-15 and 21-23 are dependent from allowable independent claims 1, 6, and 11. For at least the reasons stated above in connection with claims 1, 6 and 11, it is submitted the dependent claims are also allowable over the prior art of record. Accordingly, reconsideration and withdrawal of their rejections is respectfully requested.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1, 3-6, 8-11, 13-15 and 21-23 as allegedly being unpatentable over Hiyoshi in view of Schindler be withdrawn.

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While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the correspondence attorney listed below in order to expeditiously resolve any outstanding issues.

Respectfully submitted,
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